

CIRCUIT COURT FOR FREDERICK COUNTY

COURT HOUSE
FREDERICK, MARYLAND 21701

1 I happened to be in; therefore, I know about it. (And) that since he
2 decided in my favor I think is very good law. But it is a case of
3 Lundgren and others against J. Fred Main and others, and it involved
4 the status of the streets and alleys up here at Braddock Heights in which
5 I made the same argument to Judge Schnauffer that I generally stated
6 here today as to my feeling on the law and in which he adopted and he ==
7 it was not very long after he had heard the argument in that case that
8 this decision that I mentioned relating to the State Roads Commission
9 was decided by the Court of Appeals and Judge Schnauffer noted that he
10 was very gratified that he decided these points even before the Court of
11 Appeals had. But you might look at those cases. I say, there is a
12 substantial difference between the rights that are created by the record-
13 ing of a subdivision plat and the sale of lots and there are so-called
14 rights of the public that cannot be barred by adverse user or by en-
15 croachment. And so, as I say, I will leave this matter open for ten
16 days for you all to file any memoranda along those lines. Other than
17 that, I say, in the absence of that, I would overrule the motion and we
18 will have to take some testimony about just what the status of this matter
19 may be. All right.

20 (Court recessed 12:00 pm)

21 Filed Feb. 23, 1977.

22 -----

23 Filed February 24, 1977
24
25